

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

California Rules of Court, rule 977(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 977(b). This opinion has not been certified for publication or ordered published for purposes of rule 977.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

THE PEOPLE,

Plaintiff and Respondent,

v.

JOSE GUADALUPE NUNEZ,

Defendant and Appellant.

B167315

(Los Angeles County
Super. Ct. No. VA073864)

Appeal from a judgment of the Superior Court of Los Angeles County.

Larry S. Knupp, Judge. Affirmed.

Jose Guadalupe Nunez, in pro. per.; Richard L. Fitzer, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

INTRODUCTION

Jose Guadalupe Nunez appeals from judgment entered upon conviction following his negotiated plea of no contest to a carjacking charge. We appointed counsel to represent Nunez on appeal. After examination of the record, counsel filed an opening brief raising no issues and asking this court to independently review the record. Acting in propria persona, appellant subsequently filed a supplemental letter brief setting forth his concern that the evidence did not support the statement of facts set forth in counsel's brief. We conclude the brief adequately summarizes the testimony at the preliminary hearing and that no arguable issues exist.

BACKGROUND AND PROCEDURAL HISTORY

Juan Castillejos testified he drove his car to the home of Mr. Willy to return some keys. Appellant's two co-defendants, David Allatore and Johnny Perez, rode in the car with Castillejos, while appellant followed them on a bicycle. When they got out of the car in Mr. Willy's neighborhood, one of the three defendants struck Castillejos from behind. All three defendants then began punching and kicking him. Appellant twisted Castillejos's arm behind his back until he released his car keys. Appellant got into Castillejos's car, and Castillejos ran away. He did not see anyone drive off in his car. Castillejos suffered injuries to his face, ribs, and wrist. At the time of the preliminary hearing, his face still hurt from his ear to his nose.

In accordance with the negotiated plea, the court sentenced appellant to three years in prison. Upon appellant's request, the court issued a certificate of probable cause.

We appointed counsel to represent appellant on appeal. After examination of the record, counsel filed an opening brief raising no issues and asked this court to independently review the record. On August 12, 2003, we advised appellant he had 30 days within which to personally submit any contentions or issues he wished us to consider. On August 22, 2003, he filed a letter requesting substitution of counsel on the ground that the evidence did not support the statement of facts set forth in counsel's brief. This court denied the request for substitution of counsel, but agreed to consider appellant's letter as a supplemental brief.

DISCUSSION

Appellant complains of the following matters of a factual nature: the transcripts state the car was never stolen; he (presumably Castillejos) released the car to Lomeli in May, never reported it stolen, and in August decided to take over the car he sold; and “the facts on injury states [*sic*] otherwise,” citing negative X-rays.

A review of the preliminary hearing transcript establishes that Castillejos’s testimony fully supports the statement of facts set forth in the brief filed by appellant’s appointed attorney. Appellant’s attempt to create a factual dispute is of no consequence to the validity of his conviction, as his plea of no contest constituted an admission of every element of the charged offense. (*People v. Hoffard* (1995) 10 Cal.4th 1170, 1178.)

In addition to considering the above contentions, we have examined the entire record and are satisfied appellant’s attorney has fully complied with his responsibilities and that no arguable issue exists. (*People v. Wende* (1979) 25 Cal.3d 436, 441.)

DISPOSITION

The judgment is affirmed.

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

BOLAND, J.

We concur:

COOPER, P.J.

RUBIN, J.